

"An Act making appropriation of the sum of sixteen thousand dollars, or so much thereof as may be necessary, to pay the contingent expenses of the Second Called Session of the Thirty-seventh Legislature of the State of Texas, convened August seventeenth, A. D. 1921, by the proclamation of the Governor, providing how accounts may be approved, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

DUDLEY, Chairman.

Committee Room,

Austin, Texas, August 17, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 1, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain educational institutions and other expenses of maintaining and conducting them as follows, to-wit: The University of Texas, including the Medical Branch at Galveston and the College of Mines and Metallurgy at El Paso; the Agricultural and Mechanical College; the State Experiment Stations; the Prairie View State Normal; the College of Industrial Arts for Women; the Sam Houston Normal Institute; the North Texas State Normal; the Southwest Texas State Normal; the West Texas State Normal; the East Texas State Normal; the Sul Ross State Normal; the Stephen F. Austin State Normal; the John Tarleton Agricultural College; the Grubbs Vocational College; the Texas State School for the Blind; and the State Deaf and Dumb Institute, for the two years beginning September 1, 1921, and ending August 31, 1923; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

DUDLEY, Chairman.

SECOND DAY.

Senate Chamber,

Austin, Texas,

Tuesday, August 23, 1921.

The Senate met at 10:20 o'clock

a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Richards.
Cousins.	Watts.
Darwin.	Williams.
Davidson.	Willis.
Doyle.	Witt.
Dudley.	Wood.
Fairchild.	Woods.
Hertzberg.	

Absent.

Carlock.	Hall.
Dorough.	Rogers.
Floyd.	Suiter.

Prayer by the chaplain, Rev. S. H. Morgan.

Pending the reading of the Journal of yesterday, the same was dispensed with, on motion of Senator Murphy.

Committee Reports.

See Appendix.

Bills and Resolutions.

Simple Resolution No. 1a.

Senator Dudley sent up the following resolution:

Whereas, W. T. Thomason has been Secretary to Senator R. L. Carlock during the First Called Session of the Thirty-seventh Legislature to look after the interests of Senator R. L. Carlock, and said First Called Session having adjourned sine die; therefore

Be it resolved, That the said W. T. Thomason is hereby appointed secretary to Senator R. L. Carlock during the Second Called Session of the Thirty-seventh Legislature.

DUDLEY.

The resolution was read and adopted.

Simple Resolution No. 2a.

Senator Dudley sent up the following resolution:

Whereas, A movement has been set on foot for securing for the State of

Texas and for posterity, certain areas for State parks; and

Whereas, It is desirable that these areas or park sites be examined in order that their true value as parks may be determined, to secure for posterity these beautiful landscape parks before their value becomes too great, especially in the district of the Davis Mountains and the Paloduro Canyon; and

Whereas, These areas are now full of big game and beautiful scenery that can be preserved at small cost; and

Whereas, As a further reason the State would control a great deal of mountain streams and thus could secure for future generations the conservation of water for irrigation; therefore be it

Resolved, That as a preliminary for the examination of these park sites the Lieutenant Governor and a committee of five members of this body be designated as a committee to visit these various sites at some date not later than October 20th, and be prepared to render its report to the first subsequent session of the Legislature to be held; and be it further

Resolved, That the members of this committee of five be appointed by the Lieutenant Governor, he himself being an ex-officio member of it; and be it further

Resolved, That any vacancies occurring in the membership of this committee be filled by the Lieutenant Governor by appointment of other members from the Senate; and be it further

Resolved, That the members of this committee shall invite the Commissioner of the Land Office and any others that they may so desire; provided that no expenses incurred with this trip shall be borne by the State other than the necessary traveling expenses of the Lieutenant Governor and the five designated members of this body; be it further

Resolved, That the actual traveling expenses not to exceed \$1000.00 incurred by the committee while making inspection and investigation, shall be paid from the Contingent Fund of the Legislature, upon vouchers approved by the President of the Senate.

The resolution was read and adopted.

Senators Excused.

Senator Hall was excused for the past week and indefinitely.

Senators Clark, Burkett, and Murphy were excused for their absence of the past week.

Bills and Resolutions.

By Senator Baugh:

S. B. No. 6, A bill to be entitled "An Act amending Section 12 of Chapter 18 of the General Laws of the Regular Session of the Thirty-seventh Legislature relative to the amount of the Appropriation for the American Legion Memorial Sanatorium of Texas; and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Burkett:

S. B. No. 7, A bill to be entitled "An Act amending Section 12 of Chapter 18, General Laws, passed at the Regular Session of the Thirty-seventh Legislature, relating to the appropriation made for the purpose of creating, establishing and providing for the maintenance and operation of a State Tuberculosis Sanatorium, located near Kerrville in Kerr County, Texas, and declaring an emergency."

Read first time and referred to Committee on Finance.

Appointment of Secretaries.

The appointment of the following secretaries was announced:

Private secretary to Lieutenant Governor: Raymond Brooks.

Stenographers: J. N. Vickers, Joe G. Glass, Miss Lula May Peek, Miss Lillian Seller, Miss Mary Odom, Miss Margaret Hill, David Tilson, Jr., Miss Azile Dierlam, Miss Elma Merryman, Miss Ellena Johnson, Miss T. H. Bell, Miss Sallie Oakes, C. R. Wynn, Miss Mary Joe Nabors, Louis W. Turner, Chas. S. Pipkin, Miss Doris Fullerton, Miss Tonie Hurtik, Miss Emma Belle Moore, W. T. Thomasson. Howard Green, Mrs. R. G. Key.

At Ease.

The Senate at 11:25 a. m., on the motion of Senator Murphy, stood at ease until 11:30 o'clock this morning.

Senate Concurrent Resolution No. 1.

Senator Darwin called from the table S. C. R. No. 1 in regard to porter between sessions and amendment.

(Lieutenant Governor Davidson in the Chair.)

The amendment (Journal, page 14) was adopted.

Senator Darwin sent up the following amendment:

Amend S. C. R. No. 1, line 7 of paragraph 3, by inserting the following after the word "belong":

"And that no furniture or fixtures shall be removed from the Senate Chamber and connecting rooms, unless permission is given in writing by the Lieutenant Governor or the Speaker of the House of Representatives; and provided further that said porter shall attend to the rooms of the Lieutenant Governor and Speaker as may be directed by them; and that said rooms shall at all times be under the sole supervision and direction of the Lieutenant Governor and Speaker respectively; and that said porter shall be used exclusively in the Senate Chamber and Lieutenant Governor's office and House of Representatives and Speaker's quarters."

The amendment was read and adopted.

The resolution as amended was adopted.

Bills Introduced.

Unanimous consent was granted to send up,

By Senator Clark:

S. B. No. 8, A bill to be entitled "An Act to repeal Section 2 of Chapter 137, Acts of the Regular Session of the Thirty-seventh Legislature authorizing the expenditure of \$1,350,000 in purchasing additional land adjacent to the campus of the University of Texas for the use of said University, provided that nothing in this Act shall affect the legality of the purchase of said land heretofore made, and shall not affect the validity of any contract of purchase which has been made or entered into but not yet executed, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Cousins:

S. B. No. 9, A bill to be entitled "An Act to appropriate, out of the General Revenue not heretofore appropriated, the sum of \$20,000 or so much thereof as may be necessary for the remainder of the fiscal year ending August 31, 1922, and the further sum of \$20,000 or so much thereof as may be necessary, for the fiscal year ending August 31, 1923, to defray the expenses of the Department of the State Health Officer of the State of Texas in Intensive Rural Health Work and Rural Sanitation, leading to the prevention and eradication of malaria, hookworm, typhoid fever and other contagious or infectious diseases in the State of Texas; authorizing the State Health Officer to supplement therefrom an amount equal to an amount appropriated or set aside by any county or city or town therein, for such purposes; also authorizing the State Health Officer to accept donations from any source to supplement such fund or funds; and declaring an emergency."

Read first time and referred to Committee on Finance.

Recess.

The Senate at 12:35 a. m., on the motion of Senator Dudley, recessed until 2:30 o'clock this afternoon.

Tuesday Afternoon.

The Senate was called to order at 2:30 p. m., pursuant to recess, by Lieutenant Governor Davidson.

Conference Report on Senate Bill No. 1.

Senator Dudley sent up the following conference report on S. B. No. 1:

(Senator Bailey in the Chair.)

Committee Reports.

Committee Room,

Austin, Texas, Aug. 23, 1921.

Hon. Lynch Davidson, President of the Senate.

Hon. Chas. G. Thomas, Speaker of the House of Representatives.

Sirs: We, your conference Committee, to whom was referred S. B. No. 1, beg leave to report that we have

agreed upon the following bill, and recommend its adoption.

DUDLEY,
DARWIN,
BAUGH,
WOOD,
WITT,

On the part of the Senate.

SATTERWHITE,
HALL,
NEBLETT,
CHITWOOD,
MOORE,

On the part of the House.

Senator Willis moved that the report be laid on the table subject to call and that the bill be not printed in the journal.

Senator Burkett moved as a substitute to adopt the report.

Senator Page moved to table the motion of Senator Burkett. The yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—14.

Bailey.	Murphy.
Bledsoe.	Page.
Cousins.	Parr.
Darwin.	Watts.
Hertzberg.	Williams.
Lewis.	Willis.
McMillin.	Witt.

Nays—10.

Baugh.	Doyle.
Buchanan.	Dudley.
Burkett.	Richards.
Clark.	Wood.
Davidson.	Woods.

Absent.

Dorough.	Rogers.
Fairchild.	Suiter.
Floyd.	

Absent—Excused.

Carlock.	Hall.
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Messages From the House.

Mr. Phinney, Chief Clerk of the House, presented himself at the bar of the Senate with the following message:

Hall of the House of Representatives,
Austin, Texas, Aug. 23, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the following:

S. C. R. No. 2,

Relating to the exemption of certain persons from investigating charges.

Respectfully submitted,

C. L. PHINNEY,
Chief Clerk, House of Representatives.

Bills Introduced.

Unanimous consent was granted to send up the following bills:

By Senator Witt:

S. B. No. 10, A bill to be entitled "An Act to provide for the acceptance of the benefits of an Act passed by the Senate and House of Representatives of the United States of America in Congress assembled to provide for vocational rehabilitation of persons disabled in industry or otherwise; to provide for the appointment of a custodian of all moneys received by the State from appropriations made by the Congress of the United States for the purpose stated; to provide for the appointment of a State Board to co-operate with the Federal Board for vocational education in carrying out the provisions of said Act and prescribe its powers and duties; to provide for a plan of co-operation between such State Board and the State Industrial Accident Board and to make appropriations to provide for the vocational rehabilitation of persons disabled in industry or otherwise, and declaring an emergency."

Read the first time and referred to Committee on Educational Affairs.

By Senators Watts and McMillin:

S. B. No. 11, A bill to be entitled "An Act to appropriate the sum of Twenty Thousand (\$20,000.00) Dollars out of a special fund in the State Treasury derived from a tax of one and one-fourth (1¼) per cent on the gross fire insurance premiums; Twelve Thousand, Five Hundred (\$12,500.00) Dollars of such amount to be used by the State Fire Insurance Commission in printing ten thousand copies of the General Basis Schedules; and Seven Thousand Five Hundred (\$7,500.00) Dollars of such amount to be used to supplement the amount appropriated by the First Called Session of the Thirty-seventh Legislature covering the item of "Traveling Expenses" for said department for the fiscal year ending August 31, 1922, and for the

fiscal year ending August 31, 1923; and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Richards:

S. B. No. 12, A bill to be entitled "An Act creating the State School of Correspondence, appropriating funds therefor, etc., and declaring an emergency."

Read first time and referred to the Committee on Educational Affairs.

Conference Report on Senate Bill No. 1.

Senator Darwin moved to reconsider the vote by which the Senate tabled the motion to adopt the Conference Report on S. B. No. 1.

The yeas and nays were demanded, and the vote was reconsidered by the following vote:

Yeas—23.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Page.
Burkett.	Parr.
Clark.	Richards.
Cousins.	Watts.
Darwin.	Williams.
Davidson.	Willis.
Doyle.	Witt.
Dudley.	Wood.
Hertzberg.	Woods.
Lewis.	

Present—Not Voting.

Buchanan.

Absent.

Carlock.	Hall.
Dorough.	Rogers.
Fairchild.	Suiter.
Floyd.	

The Senate, on the request of Senator Willis permitted him to withdraw his motion to lay the bill on the table subject to call.

Senator Page moved as a substitute for the motion of Senator Burkett, that the report be adopted, that the report lay on the table subject to call.

The yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—16.

Bailey.	Cousins.
Bledsoe.	Darwin.

Dudley.	Parr.
Hertzberg.	Watts.
Lewis.	Williams.
McMillin.	Willis.
Murphy.	Witt.
Page.	Wood.

Nays—8.

Baugh.	Davidson.
Buchanan.	Doyle.
Burkett.	Richards.
Clark.	Woods.

Absent.

Carlock.	Hall.
Dorough.	Rogers.
Fairchild.	Suiter.
Floyd.	

Report of Board of Managers.

Senator Fairchild sent up the following report of the Board of Managers for the State railroad.

(Lieutenant Governor Davidson in the chair.)

Report of Board of Managers Texas State Railroad; Submitting Lease Agreement, Proposed Bill Ratifying it; and Supplementing Financial Statement.

To the Honorable Speaker of the House of Representatives:

Senate Bill No. 267, creating this Board was approved and became effective March 12, 1921. On the same date the Lieutenant Governor, Chairman of the Board, appointed Mr. J. A. Glen of Beaumont, and Mr. E. C. Durham of Diboll, experienced railroad men, as members.

An opinion construing and declaring the bill operative was rendered by the Attorney General on April 5, 1921.

The first meeting of the Board of Managers was held in Houston, on March 28, 1921. Conference was held by the Board with the entire Prison Commission, who refused to provide a prison building in which to house the convicts whose labor was assigned the State Railroad in S. B. No. 267; but demanded that a suitable prison building satisfactory to the Commission be built by the Board of Managers. In order to expedite delivery of these convicts to the State Railroad, the Board of Managers effected a compromise with the Prison Commission, agreeing to fur-

nish materials with which the Prison Commission would erect its building; and ultimately citizens along the line subscribed a large portion of the materials used in the building, the balance being bought by the Board of Managers.

A list of all the physical property of the road was made, including tools and rolling stock.

Formal transfer of the property of the road to the Board of Managers was made by the Prison Commission on April 22, 1921.

Fourteen trusty convicts were sent to the road by the Prison Commission on May 15th, and under orders of the sergeant placed in charge of them by the Prison Commission, several of these have been used as cooks, storekeepers, dishwashers, etc., and the Board derived the labor of only three and one-half men per day on the average, from this group of convicts.

Free labor was employed by the Board for additional work on the road, and the principal work of rehabilitation by the Board has been done by such free labor.

The prison camp building was completed about July 12th, and on July 15th, thirty-five convicts, under guards, reached the road. Under orders of those put in charge of them by the Prison Commission, several of these men have been used to wait on the others, or as cooks and flunkies, and consequently the road has not had the labor of much more than one-half the number of these convicts, during the one month they have been on the road.

It having been ascertained that an old locomotive belonging to the road was in the possession of the Prison System at Sugarland, a charge for daily rental of this engine was ordered made until the engine should be returned to the road and delivered to the Board.

A conference was held with W. R. Scott, president of the Southern Pacific lines, on March 28th, when discussion of the lease of the road to that line was undertaken. These negotiations have been continued since that time, the Chairman of your Board having given a great deal of time to developing this trade.

As a result of these negotiations, a lease, signed by the Southern Pacific lines and by the Board, is sub-

mitted herewith for the concurrence and ratification of your honorable body. This contract has been approved by the Attorney General's Department as to form and validity, as shown by copy of their letter hereto attached. The Governor, to whom the contract was submitted before being signed, has signed and approved the same.

There is also attached hereto form of a proposed bill, granting the right to the Southern Pacific lines to lease and purchase this road, which it is hoped your honorable body will adopt during the present session.

Besides its work of strengthening and rehabilitating the road, inserting new ties, and ditching and draining the roadbed, the Board has purchased several thousand new ties, which will be inserted in the roadbed by the convict labor now on the road.

In the contract we have submitted, all the tools and rolling stock, including the two locomotives, are reserved to the Board, and the members of the Board hope to derive from \$15,000 to \$25,000 from their sale.

The Board reports that after it shall have rebuilt and rehabilitated the road and paid all costs in connection therewith and done all things necessary to the execution of the lease, and paid all expenses of operation, and after it has disposed of the remaining assets just mentioned, the original \$25,000 appropriation to it by the Legislature will have been augmented to the point that in all likelihood, and unless some unforeseen contingency should arise, the Board will be able to turn back to the State Treasury a sum of money between \$30,000 and \$35,000.

A detailed financial statement, supplementing that submitted to your body on August 4th, and bringing the record of the Board's financial transactions down to include August 15, 1921, is attached hereto.

The Board invites attention to the handicaps that have been thrown around its work through failure of the Prison System to provide the labor of convicts granted by your honorable body.

A complete record of the Board's transactions is embodied in its minutes, which are on record in the Lieutenant Governor's office, to which the

attention of any of you who may be interested is invited.

Respectfully submitted,
BOARD OF MANAGERS, TEXAS
STATE RAILROAD,
LYNCH DAVIDSON,

Chairman,
E. C. DURHAM,
J. A. GLEN,
Members.

S. RAYMOND BROOKS,
Secretary.

August 15, 1921.

As Chairman of the Board, I desire to say that the two members of the Board, by their practical experience and knowledge of railroad work, have relieved the Chairman of practically all the details of the reconstruction and rehabilitation of the line; and their assistance has been invaluable to me as Chairman, to the road, and to the State of Texas as well.

LYNCH DAVIDSON,
Chairman.

Supplemental Financial Statement
Texas State Railroad.
August 1 to August 15, 1921, Inclusive.

Receipts.

Balance on hand, August 1.....\$29,852.22
Deposit, August 11th, supplemental payment by Federal Government of State Railroad claim for deficit period, Federal control ..\$ 3,403.80 \$33,256.02

Disbursements.

August 3, W. P. Smith, frt. on motor cars.....\$ 52.70
August 3, Palestine Printing Company 28.40
August 3, J. A. Glen, expense acct. 22.86
August 6, Palestine Hardware Co. 25.80
August 6, Magnolia Petroleum Company 96.07
August 6, Southern Hardware Sup. Co..... 202.42
August 6, D. Harris, Machine Shops 25.25

August 6, T. R. Benge, Maydelle 8.05
August 6, Palestine Hardware Co. 49.55
August 6, C. R. Woodall, Maydelle. 6.00
August 9, Western Union Tel. Co., Austin 1.70
August 9, C. & N. W. R. Co., three motor cars 450.00

August 9, Payroll, July 1st to 15th, inclusive:

W. P. Smith, auditor....\$ 100.00
H. C. Mourain, foreman.. 100.00
M. C. Carley, asst. foreman 32.26
Ed McGriff, lab. 14.45
E. Boutte, lab. 18.30
M. Lacy, lab. 15.20
C. Lane, lab. 20.40
L. Roland, lab. 13.20
A. Hode, lab. 22.40
W. Singletary, lab. 14.15
H. Kelley 3.40
W. Perry 16.75
L. Davis 14.80
Mose Hunter 15.00
H. Swanson 10.70
A. McGriff 8.20
C. Dial 9.45
Walter Sapp 2.00
J. Easeley 7.00
Thos. Barber 8.00
C. L. Morgan 2.00
F. C. Ford 9.00
M. C. Turner 6.00
W. Lee 8.00
P. Holly 4.00
H. W. Love 4.00
Morgan Butler 10.00
L. Doughty 2.00
B. Warner 2.00
L. Darby 4.00
K. Vogel, steno. 25.00
P. H. Power, A. F. 50.00
Wesley Miller, lab. 30.40
Ed Phillips 23.40
H. Wade 26.40
Thos. Kelly 22.40
J. Redwine 23.40
R. Jones 7.20
O. Michaux 14.05
J. Sanford 13.40
Henry Penson 5.20
E. Deckerd 20.40
Ike Strong 14.20
Tom Masters 1.00
Ed Penson 13.45
O. P. Lindsay 15.00
Looney Pope 5.00
Bob Alexander 5.00
Nel Patterson 6.00
Carl Hamlett 6.00
H. Patterson 1.00
Geo. Tucker 1.00

John Burgess	6.00
C. Daniels	2.00
Geo. Watson	2.00
W. H. Jefferson	6.00
D. Polk	10.00
Ed Bell	6.00
Butler Jones	4.00
H. C. Mourain, board	
deductions	80.20

Total payroll	\$ 941.96
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Total disbursements ..	1,915.91
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Balance on hand August	
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15.	31,340.11
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	\$33,256.02
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Bal. August 15	\$31,340.11
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I certify the above is a full, true and correct statement of the Texas State Railroad Account, C3524, at the close of business August 15, 1921.

Comptroller, State of Texas.

Copy.

State of Texas

Attorney General's Department,
Austin, Texas, Aug. 3, 1921.

Hon. Lynch Davidson, Lieutenant Governor and Chairman of Board of Managers, Texas State Railroad, Austin, Texas.

Dear Sir: We have considered the form of the proposed contract submitted to us with yours of the 3rd instant between the Board of Managers of Texas State Railroad and the Texas & New Orleans Railroad Company with respect to the operation by said railroad company of its trains over the Texas State Railroad, and you are advised that, in our opinion, such contract, when properly executed by the parties and approved by the Governor, will be legal and valid and binding upon the parties.

The writer desires to say that, in his opinion, the Board of Managers is to be congratulated on its ability to negotiate and consummate a contract of this character with respect to this property.

Very truly yours,
(Signed) W. W. CAVES,
Assistant Attorney General.

Bills Introduced.

Unanimous consent was granted to send up,

By Senators Fairchild, Richards:
S. B. No. 13, A bill to be entitled

"An Act confirming and ratifying contract of date August 23, 1921, by and between the Board of Managers of the Texas State Railroad, created by Act of the Legislature of the State of Texas, passed at the Regular Session of the Thirty-seventh Legislature and approved March 12, 1921, by the Governor of the State of Texas with the Texas & New Orleans Railroad Company, a railway corporation chartered under the laws of the State of Texas and directing said Board of Managers of the Texas State Railroad when said contract shall have been approved by the Governor of the State of Texas and the Texas & New Orleans Railroad Company shall have secured such authority and approval of the Interstate Commerce Commission as may be required by law for the execution of said contract, and the carrying out of the provisions thereof from the Interstate Commerce Commission to admit said Texas & New Orleans Railroad Company into the full possession of the properties of said Texas State Railroad, the same to be operated in accordance with the terms of said contract and agreement; providing that this Act shall be cumulative of Chapter 26 of the General Laws passed by the Regular Session of the Thirty-seventh Legislature, approved March 12, 1921, and shall not be taken nor construed as in any way repealing or amending said Act; and declaring an emergency."

Read first time and referred to Committee on Commerce and Manufacturing.

Senate Bill No. 4.

Senator Bledsoe moved that S. B. No. 4 be made a special order for tomorrow, after the morning call. The yeas and nays were demanded and the motion prevailed by the following vote:

Yeas—13.

Bledsoe.	Murphy.
Buchanan.	Page.
Clark.	Watts.
Cousins.	Williams.
Dudley.	Willis.
Hertzberg.	Witt.
McMillin.	

Nays—8.

Darwin.	Parr.
Doyle.	Richards.
Fairchild.	Wood.
Lewis.	Woods.

Absent.
Baugh. Rogers.
Carlock. Suiter.

(Pairs Recorded.)

Senator Bailey (present), who would vote "yea"; with Senator Hall (absent), who would vote "nay."

Senator Davidson (present), who would vote "yea"; with Senator Floyd (absent), who would vote "nay."

Senator Burkett (present), who would vote "yea," with Senator Dorrough (absent), who would vote "nay."

Senate Bill No. 1.

Senator Witt called up from the table S. B. No. 1.

Motion to Adjourn.

Senator Parr moved that the Senate adjourn until tomorrow morning at 10 o'clock. The yeas and nays were demanded and the motion was lost by the following vote:

Yeas—10.

Bailey.	Lewis.
Buchanan.	McMillin.
Cousins.	Parr.
Doyle.	Watts.
Hertzberg.	Willis.

Nays—14.

Baugh.	Fairchild.
Bledsoe.	Murphy.
Burkett.	Richards.
Clark.	Williams.
Darwin.	Witt.
Davidson.	Wood.
Dudley.	Woods.

Present—Not Voting.

Page.

Absent.

Carlock.	Hall.
Dorrough.	Rogers.
Floyd.	Suiter.

Senate Bill No. 1.

Senator Witt moved the adoption of the Conference report on S. B. No. 1. The report was adopted by the following vote:

Yeas—20.

Baugh.	Bledsoe.
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Buchanan.	Hertzberg.
Burkett.	Lewis.
Clark.	Murphy.
Cousins.	Page.
Darwin.	Richards.
Davidson.	Watts.
Dudley.	Williams.
Fairchild.	Witt.
Floyd.	Wood.

Nays—4.

Bailey.	McMillin.
Doyle.	Parr.

Present—Not Voting.

Willis.	Woods.
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Absent.

Carlock.	Rogers.
Dorrough.	Suiter.
Hall.	

Message from the House.

Mr. Phinney, Chief Clerk of the House, presented himself at the bar of the Senate with the following message:

Hall of the House of Representatives,
Austin, Texas, Aug. 23, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 1, A bill to be entitled "An Act to apportion the State of Texas into Representative Districts, and to fix the number of Representatives thereof, and to repeal all laws in conflict herewith, and declaring an emergency."

Respectfully submitted,

C. L. PHINNEY,
Chief Clerk House of Representatives.

Senate Bill No. 13.

Unanimous consent was granted to take up and consider out of its order,

By Senators Fairchilds and Richards:

S. B. No. 13, A bill to be entitled "An Act confirming and ratifying contract of date August 23, 1921, by and between the Board of Managers of the Texas State Railroad, created by Act of the Legislature of the State of Texas passed at the Regular Session of the Thirty-seventh Legislature and approved March 12, 1921, by the Governor of the State of Texas, with the Texas & New Orleans

Railroad Company, a railway corporation chartered under the laws of the State of Texas, and directing said Board of Managers of the Texas State Railroad when said contract shall have been approved by the Governor of the State of Texas and the Texas & New Orleans Railroad Company shall have secured such authority and approval of the Interstate Commerce Commission as may be required by law for the execution of said contract, and the carrying out of the provisions thereof from the Interstate Commerce Commission to admit said Texas & New Orleans Railroad Company into the full possession of the properties of said Texas State Railroad, the same to be operated in accordance with the terms of said contract and agreement; providing that this Act shall be cumulative of Chapter 26 of the General Laws passed by the Regular Session of the Thirty-seventh Legislature, approved March 12, 1921, and shall not be taken nor construed as in any way repealing or amending said Act; and declaring an emergency."

On motion of Senator Murphy, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 13 put on its second reading by the following vote:

Yeas—25.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Richards.
Cousins.	Watts.
Darwin.	Williams.
Davidson.	Willis.
Doyle.	Witt.
Dudley.	Wood.
Fairchild.	Woods.
Hertzberg.	

Absent.

Carlock.	Hall.
Dorough.	Rogers.
Floyd.	Suiter.

The bill was read second time.

The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted.

The bill was passed to engrossment.

On motion of Senator Murphy, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 13 put on its third reading and final passage by the following vote:

Yeas—25.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Richards.
Cousins.	Watts.
Darwin.	Williams.
Davidson.	Willis.
Doyle.	Witt.
Dudley.	Wood.
Fairchild.	Woods.
Hertzberg.	

Absent.

Carlock.	Hall.
Dorough.	Rogers.
Floyd.	Suiter.

The bill was read third time and passed finally by the following vote:

Yeas—23.

Bailey.	McMillin.
Baugh.	Murphy.
Bledsoe.	Page.
Buchanan.	Parr.
Burkett.	Richards.
Clark.	Watts.
Cousins.	Williams.
Davidson.	Willis.
Doyle.	Witt.
Dudley.	Wood.
Fairchild.	Woods.
Lewis.	

Absent.

Carlock.	Hall.
Darwin.	Hertzberg.
Dorough.	Rogers.
Floyd.	Suiter.

Bills Read and Referred.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read,

H. B. No. 1, to the Committee on Representative Redistricting.

House Bill No. 1.

The motion of Senator Fairchild, that the constitutional rule requiring bills to be read on three several days

be suspended and H. B. No. 1 be put on its second reading failed by the following vote:

Yeas—14.

Bailey.	Dudley.
Burkett.	Fairchild.
Clark.	McMillin.
Cousins.	Murphy.
Darwin.	Witt.
Davidson.	Wood.
Doyle.	Woods.

Nays—8.

Baugh.	Page.
Bledsoe.	Parr.
Buchanan.	Watts.
Lewis.	Williams.

Present—Not Voting.

Richards.

Absent.

Carlock.	Hertzberg.
Dorough.	Rogers.
Floyd.	Suiter.
Hall.	Willis.

Adjournment.

The Senate at 6:10 p. m., on the motion of Senator Bledsoe adjourned until 10:00 o'clock tomorrow morning.

APPENDIX.

Select Committee Reports.

Committee Room,
Austin, Texas, August 23, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills have carefully compared S. B. No. 3, and find the same correctly enrolled, and have this day, at 10:30 o'clock a. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,
Austin, Texas, August 23, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills have carefully compared S. B. No. 2, and find the same correctly enrolled, and have this day, at 10:30 o'clock a. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,
Austin, Texas, August 23, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 1 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Aug. 23, 1921.
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Commerce and Manufacture, to whom was referred H. C. R. No. 1, a Resolution reading as follows:

"Whereas, it is commonly believed that there exists in what is generally known as the Mid-Continent Oil Fields, a deliberate purpose on the part of certain of the large oil corporations, which, in so far as it affects the State of Texas, is in violation of both the letter and spirit of our anti-trust laws, to so manipulate the market in this and other states comprising mid-continent fields, as to control not only the prices of the crude oil, but also the prices of the finished products of the refineries, especially as it applies to gasoline, for the purpose of putting out of business the independent refineries and the independent broker and dealers in gasoline and oils; and,

Whereas, it is generally understood that in pursuance of this plan, the price of crude oil has been autocratically lowered without reference to the intrinsic or market value thereof, or cost of production; that many of the large companies who handle the refinery products through the medium of their own filling stations, are paying more money for gasoline in tank carloads at the independent refineries than they sell it for to the gasoline stations, and are indulging in many methods of cutting, bonuses and special deductions, including deliveries to commercial trade at prices under the filling station discount, and the custom of certain big companies having filling stations of their own selling through their filling stations at different prices to different customers, making arbitrary and unnatural discriminations, selling to some customers at prices cheaper than an independent station can buy, thereby attempting

to put the independent stations out of business. The sole purpose of all of which is to destroy the independent refineries and the independent filling stations, which is not only a violation of the anti-trust laws of this State, but is detrimental to the existence of one of the largest interests of the State of Texas; therefore, be it

Resolved, by the House of Representatives of the State of Texas, the Senate concurring, that there be and is hereby appointed a joint committee to be composed of three members of the House appointed by the Speaker of the House, and two members of the Senate to be appointed by the Lieutenant-Governor, with full authority to investigate such conditions, to take testimony in or out of the State of Texas, to subpoena witnesses, to administer oaths and to require the production of books and records of every person, persons, association, joint stock companies or corporations, engaged in the production, manufacturing or sale of crude petroleum, or any of its products, and to have all the authority vested by the present statutes of the State of Texas in investigating committees appointed by and under the sanction of the Legislature.

That the Attorney General of the State of Texas is required, either in person or through some deputy, to be designated by him, to represent the State of Texas in such investigation, and the expenses of such officer shall be paid out of the contingent expense fund of the House and Senate upon voucher approved by the chairman of this committee.

That said committee shall have the right to employ a competent stenographer to take the testimony of the witnesses upon such investigation, and to pay such stenographer out of the contingent expense fund of the House of Representatives and Senate; that witnesses summoned before such committee shall be paid the mileage and per diem paid witnesses in the district courts of this State, which said mileage and per diem shall be paid out of contingent expense funds of the House and Senate upon voucher approved by the chairman of the joint committee provided for herein.

That said committee may sit either during the session or in recess, that they shall receive for each day in session the sum of \$5.00 per day and their actual or necessary travelling

expenses and hotel bills, when absent from the city of Austin, which shall be paid out of the contingent expense fund upon vouchers issued and signed by the chairman of said committee.

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

MURPHY, Chairman.

Committee Room,

Austin, Texas, Aug. 23, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 6, A bill to be entitled "An Act amending Section 12 of Chapter 18 of the General Laws of the Regular Session of the Thirty-seventh Legislature relative to the amount of the appropriation for the American Legion Memorial Sanatorium of Texas; and declaring an emergency,"

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

DUDLEY, Chairman.

(Majority Report.)

Committee Report,

Austin, Texas, Aug. 23, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, the majority of your Committee on Senatorial Districts, to whom was referred S. B. No. 4,

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

FAIRCHILD, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Aug. 23, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, the minority of your Committee on Senatorial Districts, to whom was referred S. B. No. 4,

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do not pass.

FAIRCHILD.

DARWIN.

(Majority Report.)

Committee Room,
Austin, Texas, Aug. 23, 1921.
Hon. Lynch Davidson, President of
the Senate.

Sir: We, the majority of your
Committee on Senatorial Districts, to
whom was referred S. B. No. 5,

Have had the same under con-
sideration and beg leave to report
same back to the Senate with the rec-
ommendation that it do not pass.

FAIRCHILD, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Aug. 23, 1921.
Hon. Lynch Davidson, President of
the Senate.

Sir: We, the minority of your
Committee on Senatorial Districts, to
whom was referred S. B. No. 5,

Have had the same under con-
sideration and beg leave to report
the same back to the Senate with the
recommendation that it do pass, and
be not printed.

RICHARDS,
DARWIN.

Committee Room,
Austin, Texas, Aug. 23, 1921.
Hon. Lynch Davidson, President of
the Senate.

Sir: We, your Committee on Com-
merce and Manufacturing, to whom
was referred

S. B. No. 13, A bill to be entitled
"An Act confirming and ratifying con-
tract of date August 23rd, 1921, by
and between the Board of Managers
of the Texas State Railroad, created
by Act of the Legislature of the
State of Texas passed at the Regular
Session of the Thirty-seventh Legis-
lature and approved March 12, 1921,
by the Governor of the State of Texas
with the Texas & New Orleans Rail-
road Company, a railway corporation
chartered under the laws of the State
of Texas and directing said Board of
Managers of the Texas State Railroad
when said contract shall have been
approved by the Governor of the State
of Texas and the Texas & New
Orleans Railroad Company shall have
secured such authority and approval
of the Interstate Commerce Commis-
sion as may be required by law for
the execution of said contract," etc..

Have had the same under con-
sideration, and I am instructed to

report the same back to the Senate
with the recommendation that it do
pass, and be not printed.

MURPHY, Chairman.

(Floor Report.)

Senate Chamber,
Austin, Texas, August 23, 1921.
Hon. Lynch Davidson, President of
the Senate.

Sir: We, a majority of your Com-
mittee on Educational Affairs, to
whom was referred

S. B. No. 10, A bill to be entitled
"An Act to provide for the accept-
ance of the benefits of an Act passed
by the Senate and House of Repre-
sentatives of the United States of
America in Congress assembled to
provide for the promotion of voca-
tional rehabilitation of persons dis-
abled in industry or otherwise," etc.,

Have had same under considera-
tion, and beg leave to report same
back to the Senate with the recom-
mendation that it do pass, and be not
printed.

Witt, Chairman; Darwin, McMillin,
Hertzberg, Richards, Burkett.

(Floor Report.)

Senate Chamber,
Austin, Texas, August 23, 1921.
Hon. Lynch Davidson, President of
the Senate.

Sir: We, your Committee on Rep-
resentative Redistricting of the State,
to whom was referred H. B. No. 1,

Have had the same under consid-
eration, and beg leave to give floor
report on said bill, and recommend
that same do pass and be not printed.

Fairchild, Darwin, Richards, Bu-
chanan, Davidson, Woods, Willis.

THIRD DAY.

Senate Chamber,
Austin, Texas,
Wednesday, Aug. 24, 1921.

The Senate met at 10 o'clock a. m.,
pursuant to adjournment, and was
called to order by Lieutenant Gov-
ernor Lynch Davidson.

The roll was called, a quorum be-
ing present, the following Senators
answering to their names:

Bailey.	Clark.
Baugh.	Cousins.
Bledsoe.	Darwin.
Buchanan.	Davidson.
Burkett.	Doyle.